

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Samuel L. Davis,

Case No. 1:16-cv-2131

Petitioner,

v.

ORDER

Alan J. Lazaroff, Warden,

Respondent.

Before me is the October 17, 2018 Report and Recommendation of Magistrate Judge David A. Ruiz, (Doc. No. 15), recommending I conclude the claims of pro se Petitioner Samuel L. Davis have been procedurally defaulted and that I deny Davis's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Further, Respondent's records indicate Davis no longer is in state custody.

Under the relevant statute, "[w]ithin fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court." 28 U.S.C. § 636(b)(1); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981). The fourteen-day period has elapsed and no objections have been filed.

The failure to file written objections to the Magistrate Judge's Report and Recommendation constitutes a waiver of a determination by the district court of an issue covered in the report.

Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see also Walters*, 638 F.2d at 950 (6th Cir. 1981); *Smith v. Detroit Fed'n of Teachers, Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) ("only

those specific objections to the magistrate's report made to the district court will be preserved for appellate review").

Following review of the Magistrate Judge's Report and Recommendation, I adopt the Report and Recommendation, (Doc. No. 15), in its entirety as the Order of the Court, and deny Davis's petition. Further, I certify there is no basis on which to issue a certificate of appealability. 28 U.S.C. § 2253; Fed. R. App. P. 22(b).

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge